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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

<b>UNITED STATES OF AMERICA,</b>  Plaintiff,  vs.  <b>BRIAN FEDERICO AND KEVIN LANEY,</b>  Defendants.	Case No. 12-cr-00862-YGR-2 12-cr-00862-YGR-3  <b>PRETRIAL ORDER NO. 1: TRIAL SETTING ORDER</b>
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On January 11, 2019, the Court convened a regularly scheduled status conference at which time trial was scheduled as were trial-related deadlines. In anticipation of those filings, and for good cause showing, the Court restates those deadlines and issues the following trial-related orders:

1. **Trial Date and Schedule:**

The trial of matter is scheduled for to begin on Wednesday, **August 28, 2019** at 8:30 a.m. in Courtroom 1 of the above-referenced Court with jury selection. The evidentiary portion shall begin on Tuesday, **September 3, 2019**. Brian Federico shall be tried first. Should the parties resolve the indictment, then Kevin Laney shall be tried on that date. In the event that Mr. Federico is tried, then the trial as to Kevin Laney shall begin on Friday, **November 1, 2019** with jury selection.

The Court shall conduct the pretrial conference and hear all pretrial motions at the same time.

1 The Court's trial schedule will be generally as follows, Monday through Thursday, from 8:30  
2 a.m. to 1:30 p.m. with two fifteen-minute breaks. Additional time may be scheduled for matters  
3 outside the presence of the jury as necessary and determined by the Court. Side bars are not  
4 permitted. Counsel should be prepared to anticipate issues so that they may be addressed outside of  
5 normal trial hours.

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7 **2. Pre-Trial Conference:**

8 A pre-trial conference shall be held on **Friday, August 16, 2019 at 9:00 a.m.**

9 The parties shall comply with Local Rule 17.1-1(b) and the Court's Standing Order in Criminal  
10 Cases unless otherwise modified by this Order.

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12 **3. Motions in Limine:**

13 A motion *in limine* refers "to any motion, whether made before or during trial, to exclude  
14 anticipated prejudicial evidence before the evidence is actually offered." *Luce v. United States*, 469  
15 U.S. 38, 40, n. 2 (1984).

16 The parties shall exchange, but not file, motions *in limine* by July 12, 2019. Thereafter the  
17 parties shall meet and confer to determine whether the motions can be resolved. Unresolved motions  
18 shall be filed on July 22, 2019. Oppositions shall be filed on August 2, 2019. No replies shall be  
19 filed. By **August 5, 2019**, the moving party shall submit one JOINT CHAMBERS set including  
20 collating the motion with the respective opposition with ECF HEADERS. The proponent of the  
21 motion shall also submit a COMPREHENSIVE proposed form of order summarizing each motion and  
22 the requested relief. Any motion relating to specific documents or evidence shall provide the same so  
23 that the motion can be evaluated.  
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Court hereby orders that witnesses shall be excluded until testimony is completed. Parties are ordered to admonish witnesses of the Court's rulings. Failure to comply with a ruling by the Court may result in sanctions, including without limitation the striking of the witness's entire testimony.

**4. Trial Estimate:** By **June 12, 2019**, the Government shall file a notice of its expected trial days. To the extent known, defendants shall file the same by **June 14, 2019**.

**5. Witness Lists:**

The Government shall file its witness list by **June 12, 2019**.

**6. Exhibits and Exhibit Lists:**

The Government shall file its exhibit list by **June 12, 2019**. No witness may be shown any document or other object until it has been marked for identification using an exhibit number. The jury may not be shown any exhibits until admitted into evidence or stipulated by the parties as to admissibility without the express permission of the Court.

To the extent agreed upon, the parties shall file Exhibit Lists identifying those for which a stipulation of admissibility exists with an "S" in the appropriate box. When printing and providing these documents to the Court, please use the "portrait" orientation only. (Do not use "landscape" orientation.) A sample format is provided below:

<b>Ex. No.</b>	<b>Description</b>	<b>Sponsoring Witness</b>	<b>Stipulation to Admit</b>	<b>Objection</b>	<b>Date Admitted</b>

A binder of anticipated exhibits shall be provided to the Court no later than seven (7) days prior to the

1 pretrial conference. Physical evidence must also be pre-marked. For purposes of the Court's binder  
2 of anticipated exhibits, a picture of any physical evidence should be taken and placed in the binder.

3 Parties are advised to review their exhibits critically and determine whether sub-designations  
4 are appropriate for both the record and rulings on any potential objections. For instance, if an exhibit  
5 consists of a series of pictures, rather than designate the exhibit collectively as Exhibit 1, each picture  
6 should have a designation, *i.e.* Exhibit 1-A, 1-B, 1-C, 1-D, 1-E and 1-F. Further, to the extent that the  
7 evidence are voluminous records, the Court may not need a copy set of the entire exhibit and will  
8 consider proposals for reducing the amount of paper necessary to be included, including use of digital  
9 forms of media and/or summaries.  
10

11 7. **Jury Issues:**

12 a. By **August 9, 2019**, the parties shall provide the Court with two Joint  
13 Statements of the Case; one to be read during jury selection and one to be read  
14 as part of the introductory jury instructions.  
15

16 b. By **August 9, 2019**, the parties shall provide the Court with a list of all  
17 potential witnesses to be provided to the petit jury panel which shall be  
18 organized alphabetically. Said list shall contain a header which identifies the  
19 case name and case number and shall *not* identify which party intends to call  
20 any such witness. The list shall formatted to fit on one page only.  
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22 8. **Equipment:** Computers, projectors, screens and similar equipment must be tested in  
23 the courtroom prior to the day when it will be used. Arrangements may be made with the Courtroom  
24 Deputy, Frances Stone, at (510) 637-3540 as to appropriate time for doing so. Marshals require court  
25 order to allow equipment. Any party needing such an order must file a request and proposed order.  
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9. **Failure to Comply:** Failure to comply with the obligations set forth in this order will result in sanctions appropriate to the gravity of the failure.

**IT IS SO ORDERED.**

Date: May 31, 2019

  
**HON. YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT JUDGE**